

Tuesday, August 27, 2013

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Adam Hill, Debbie Arnold and Acting Chairperson Bruce S. Gibson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY ACTING CHAIRPERSON BRUCE S. GIBSON.

Consent Agenda – Review and Approval:

1-11&15. This is the time set for consideration of the Consent Agenda.

Acting Chairperson Gibson: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 11 and 15 on the following vote is indicated for each item.

Motion by: Adam Hill
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Consent Agenda - Auditor - Controller Items:

1. Submittal of a cash procedures review of the County Treasurer's Office conducted on June 28, 2013.

The Board approves as recommended by the County Administrative Officer.
2. Submittal of a resolution setting the FY 2013-14 tax rates for the Secured Property Tax Roll.

This item is amended by replacing Exhibit 1 due to a minor adjustment of rates. Further , the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2013-209, adopted as amended.

Consent Agenda - Board of Supervisors Items:

3. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3(d).

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - General Services Agency Items:

4. Request to approve a Streambed Alteration agreement with the California Department of Fish and Wildlife for the Women’s Jail Expansion located at 1585 Kansas Avenue. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

5. Request to approve a renewal contract (Clerk’s File) with San Luis Obispo Community College District (Cuesta College) for FY 2013-24 [SIC] in an amount not to exceed \$173,619 to provide prevention and

early intervention mental health and wellness services for Transitional Aged Youth throughout San Luis Obispo County.

The Board approves as recommended by the County Administrative Officer.

6. Request to approve a renewal contract (Clerk's File) with Transitions – Mental Health Association for FY 2013-14 in the amount of \$4,186,614 to provide mental health services.

The Board approves as recommended by the County Administrative Officer.

7. Request to approve a renewal agreement (Clerk's File) with the State Office of Traffic Safety for a one year period from October 1, 2013 through September 30, 2014 in an amount not to exceed \$185,790 to fund an Injury Prevention Program.

Dr C. Hite: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

8. Submittal of a resolution to ratify the existing Master Agreement with the State of California for Federal-Aid Projects and approve program supplemental agreements issued under the Master Agreement. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-210, adopted.

Consent Agenda Public Works - Board Sitting as Flood Control District:

9. Request to authorize the Public Works Director to execute a reimbursement agreement and optional renewal period of five years with the City of San Luis Obispo for watershed maintenance and education for Flood Control Zone 9 (San Luis Obispo Creek Watershed). District 3.

The Board approves as recommended by the County Administrative Officer.

10. Request to approve committee appointments of Carlyn Christianson, representing City of San Luis Obispo, and Anthony Kalvans and David Bentz, representing San Miguel Community Services District, to the Water Resources Advisory Committee of the Flood Control and Water Conservation District. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Social Services Items:

11. Request to approve: 1) the Workforce Investment Act (WIA) subgrant agreement with the State of California for the receipt of Youth funds in the amount of \$803,371; and 2) the plan for the Fiscal Year 2013-14 WIA formula funds budget totaling \$2,134,990.

This item is amended by replacing the subject line to read: "Request to approve the Workforce Investment Act (WIA) subgrant agreement with the State of California for the receipt of Youth funds in the amount of \$803,371 and approve the plan for the Fiscal Year 2013-14 WIA formula funds budget totaling \$2,134,990 and approve a resolution delegating signatory authority for all Workforce Investment Act (WIA) administrative documents to the Social Services Director." Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2013-211, adopted.

(Added Item, per the Addendum to the Agenda. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72 hour noticing requirement.)

Consent Agenda – Public Works Items:

15. Submittal of Contract Change Order No. 4 to the agreement with Souza Construction, Inc. for the Main Street Bridge over Santa Rosa Creek in Cambria, in the amount of \$250,000. District 2.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

12. This is the time set for members of the public wishing to address the Board on matters that are not scheduled on the current agenda.

Dr. C. Hite: presents a video regarding the recent sirens at the Diablo Canyon Power Plant; and comments on a public records request.

Ms. Elsa Dawson (documents), Ms. Andrea Seastrand; Ms. Laurie Alexiev (documents); Ms. Terri Strickland (documents); Ms. Jeannette Watson (map); Ms. Sheila Healy; and Mr. Tom Dawson (document): discuss various concerns relating to sustainable development; Agenda 21; ICLEI (International Council for Local Environmental Initiatives); and the recent Resilient Communities for America Symposium.

Mr. Eric Greening: addresses concerns regarding the California Environmental Quality Act (CEQA).

Mr. Ben DiFatta; Ms. Julie Tacker; Ms. Linde Owen; Mr. Richard Margetson; and Mr. Al Barrow (document): address various comments and concerns regarding the Los Osos Wastewater Project (LOWWP). **No action Taken.**

Hearings:

13. (1) Receive a Paso Robles Groundwater Basin Management Plan implementation update, (2) request to approve appointments to the Blue Ribbon Committee, (3) request to approve release of Request for Qualifications to prepare feasibility studies; and (4) hearing to consider an Urgency Ordinance pursuant to Sections 25123, 25131 and 65858 of the California Government Code that would (a) establish a moratorium on new or expanded irrigated crop production and new development dependent upon a well unless such uses offset their total projected water use, (b) establish certain exemptions, (c) require the installation of a meter on new wells and/or (d) establish a moratorium on approval of new ponds, reservoirs and dams other than those allowed by Section 22.52.070.C.2.b of Title 22 of the County Code for properties located within the unincorporated areas of San Luis Obispo County of the Paso Robles Groundwater Basin except those properties within the Atascadero Sub-Basin. Districts 1 and 5.

(This item is amended, per the Addendum to the Agenda, by replacing the draft map titled "Generalized Difference in Spring Elevations Between 1997 – 2013" in Attachment 1G – Basin Conditions and in Attachment 1J – Proposed Requests for Qualifications with a final map, and a memorandum from GEI Consultants regarding the finalization of the map; and by adding the Blue Ribbon Committee's "Top Ranked Solutions" dated August 21, 2013.)

Mr. Dan Buckshi - County Administrative Officer: provides an overview of today's hearing.

Ms. Courtney Howard - Public Works Department: presents a letter from the United States Department of Agriculture (USDA), dated April 10, 2013.

Mr. Larry Werner – Blue Ribbon Committee President: provides a presentation on the Blue Ribbon Committee's top priorities.

Acting Chairperson Gibson: opens the floor to public comment.

Mr. Eric Greening; Ms. Jan Seals –PRO Water Equity Treasurer; Mr. Nat Sherrill; Ms. Susan Harvey – North County Watch; Mr. Gary Kirkland; Mr. Daniel Sinton; Mr. Brian Engleton; Mr. John Hollenbeck

(newspaper article); Mr. C.R. Lara; Mr. Bill Garfinkel – Water Resources Advisory Committee (WRAC) Member and Atascadero Mutual Water Company President; Mr. George Sullivan; Ms. Joy Fitzhugh - Farm Bureau (letter); Ms. Ann Myhre; Ms. Claudia Engel – Blue Ribbon Committee, Solutions Committee, and Outreach & Education Chairperson; Ms. Kris Beal – Central Coast Vineyard Team (letter); Mr. Paul Hoover; Ms. Sue Luft – PRO Water Equity President; Mr. Joe Plummer; Ms. Della Barrett; Ms. Patricia Wilmore – Paso Robles Wine Country Alliance; Mr. Tim Cleath - Cleath-Harris Geologists; Mr. Doug Kuentzel; Mr. Bill Pelfrey; Mr. James Patterson; Mr. Mike Brown – Coalition of Labor, Agriculture, and Business (COLAB); Mr. Robin Chapman; Mr. Tom Dawson; Mr. Bill Mulcahy; Mr. Michael Winn – Water Resources Advisory Committee (WRAC) Chairperson; Mr. Mike Broadhurst - Upper Salinas - Las Tablas Resource Conservation District; Mr. Jerry Reaugh – Paso Robles Agricultural Alliance for Groundwater Solutions (PRAAGS) Chairperson; Mr. Lowell Zelin ski - Paso Robles Independent Grape Growers; Mr. Joseph Zimmerman (handout); Mr. Fred Frank; Mr. Bill Hockey - Templeton Area Advisory Group Chairperson; and Ms. Laurie Gage: speak.

The Board approves the appointments to the Blue Ribbon Committee as shown in Attachment “1K.”

Motion by: Frank R. Mecham
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

The Board, acting as the San Luis Obispo County Flood Control and Water Conservation District (Flood Control District), approves the release of request for qualifications (RFQ's) (Attachment “1J”) to prepare feasibility studies.

Motion by: Frank R. Mecham
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

The Board approves Attachment 1C – Conditions to Waive Permit Fees, with an amendment to Condition No. 2 by replacing “the Paso Robles Groundwater Basin” with “from the areas of the County with a certified Level of Severity III.”

Motion by: Debbie Arnold
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

The Board directs staff to come back in 45 days with additional information regarding: governance structures, including involvement with stakeholders; refined short range goals; identification of objectives the County is seeking to accomplish; what structures should be in place; contact information for various options available to property owners; and application of resources, as priorities allow, towards development of an equitable allocation of water resources for the basin. Further, the Board directs staff to not pursue a legislative amendment to create a special District; and to not pursue Community Development Block Grant (CDBG) funds or low interest rate loans.

Board Members: discuss use of unused water for basin recharge; and the need to get contact information out to the public regarding water availability offered by the Paso Robles and Atascadero water purveyors for fire protection.

Furthermore, the Board directs staff to return with information regarding the potential future needs for additional staffing to address water issues, with Mr. Buckshi stating he will return with ideas regarding how to address staffing for all affected departments.

Acting Chairperson Gibson: continues the hearing following Closed Session.

Closed Session Items:

14. The Board announces they will be going into Closed Session regarding:

- I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:
 - A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. Negranti & Sons v. San Luis Obispo County; 2. Los Osos Community Services District v. County of San Luis Obispo, et al. (Golden State Water), 3. Ruiz v. County of San Luis Obispo; 4. Concerned Landowners of the Paso Robles Groundwater Basin v. County of San Luis Obispo.
 - B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 5. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 6. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.
- II. PERSONNEL (Gov. Code, § 54957.) It is the intention of the Board to meet in closed session to: 7. Consider Public Employee Appointment for the Position of Director of Building/Planning.
- III. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code ' 54957.6.)
 - A. It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 8. DAIA; 9. SLOCPMPOA; 10. DCCA; 11. SLOGAU; 12. Sheriffs' Management; 13. SLOCPPOA; 14. SLOCEA-Public Services, Supervisors, Clerical; 15. Deputy Sheriff's Association.

Acting Chairperson Gibson: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

Hearings Continued:

- 13.** (1) Receive a Paso Robles Groundwater Basin Management Plan implementation update, (2) request to approve appointments to the Blue Ribbon Committee, (3) request to approve release of Request for Qualifications to prepare feasibility studies; and (4) hearing to consider an Urgency Ordinance pursuant to Sections 25123, 25131 and 65858 of the California Government Code that would (a) establish a moratorium on new or expanded irrigated crop production and new development dependent upon a well unless such uses offset their total projected water use, (b) establish certain exemptions, (c) require the installation of a meter on new wells and/or (d) establish a moratorium on approval of new ponds, reservoirs and dams other than those allowed by Section 22.52.070.C.2.b of Title 22 of the County Code for properties located within the unincorporated areas of San Luis Obispo County of the Paso Robles Groundwater Basin except those properties within the Atascadero Sub-Basin. Districts 1 and 5, is brought back.

Acting Chairperson Gibson: clarifies that the Board receives and files the Paso Robles Groundwater

Basin Management Plan implementation update that was earlier presented; and states staff is directed to continue to provide quarterly updates.

Acting Chairperson Gibson: opens the floor to public comment.

Ms. Tasha Wilke; Mr. Fred Frank; Ms. Dale Tozzi; Ms. Joy Fitzhugh – Farm Bureau; Mr. Wayne Snowburger; Ms. Kathleen Lambeth; Ms. Jackie Crabb – Farm Bureau; Mr. Paul Hoover; Ms. Jan Seals – PRO Water Equity Treasurer (photographs); Ms. Susan Harvey – North County Watch; Mr. Muriel Clift; Ms. Joanna Murguia - speaking on behalf of Claire Wineman - Grower Shipper Association of Santa Barbara and San Luis Obispo Counties President; Ms. Sue Luft – PRO Water Equity President; Mr. John Hollenbeck; Mr. John Neil - Atascadero Mutual Water Company General Manager; Mr. Ryan Newkirk; Ms. Ann Myhre (map); Mr. Tom Dawson; Ms. Kathy Sweet; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); Mr. Eric Greening; Ms. Kathleen Maas – Pear Valley Vineyard and Winery; Ms. Lindsay Pera – PRO Water Equity; Mr. Lowell Zelinski; Ms. Lisen Bonnier; Mr. Bill Pelfrey (graph); Mr. Marshall Wilkinson – representing John and Blanche Comino; Ms. Laurie Gage; Mr. James Patterson; and Mr. Joe Plummer: speak.

On motion of Supervisor Adam Hill, seconded by Supervisor Frank S. Mecham, the Board unanimously agrees to continue the meeting passed 5:00 P.M.

Mr. Ty Safreno; Mr. Charlie Whitney; Mr. Gary Eberle; Ms. Jamie Kirk; Ms. Ellen Frost; Mr. Eric Gobler; Mr. Steve Sinton; Mr. William Frost (map); Mr. Matt Turrentine - Paso Robles Agricultural Alliance for Groundwater Solutions (PRAAGS); Mr. Tom Adams – J. Lohr Vineyards; Mr. Andrew Christie – Santa Lucia Chapter Sierra Club Director (photograph); Ms. Elsa Dawson; Ms. Marilee Hyman - League of Women Voters President; Ms. Gwen Pelfrey; Ms. Carol Rowland (handout and maps); Mr. John Crossland; Dr. Serena Friedman (handout and letter); Mr. Ted Gilbert; Mr. Matt Hagen; Ms. Elaine Hagen (petitions); Ms. Robin Chapman; Mr. Aaron Kirby; Ms. Sheila Lyons; Mr. Chris Ivey; Ms. Julie McCloskey; Mr. Mike Neiggemann (handout); Ms. Cindy Steinbeck; Ms. Andrea Seastrand; Ms. Daniella Sapriel (drawing); Mr. Bill Stansbury; Ms. Della Barrett; Mr. Larry Werner – Blue Ribbon Committee Chairperson; Mr. George Sullivan; Ms. Joy Sprague; Ms. Sophie Treder; and Mr. Mike Winn: speak.

Supervisor Mecham: states if an ordinance is passed, he would like staff to return in 45 days with a clearly articulated flowchart describing the pipeline issues.

Board Members: review and discuss various provisions to ordinance (2A); and take straw-votes on the following issues: the offset ratio; carve outs; pipelines; limitations on water usage; permits not subject to the ordinance; exemptions; well replacements; and Ag ponds.

A motion by Debbie Arnold, seconded by Frank R. Mecham, to accept the urgency ordinance with the following changes: adding language regarding the 1:1 offset ratio under Exemptions in Section 6; removing offset radio language from Section 7; striking out Section 8, with the carve outs that were addressed during earlier discussions, is discussed.

Clarification on the motion regarding the changes is requested, with Ms. Kami Griffin - Acting Director of Planning and Building, outlining the language changes.

Acting Chairperson Gibson: outlines his reasons for not supporting the motion on the table.

The Board accepts the urgency ordinance with the amendments as follows: by deleting from the title to the ordinance “and establishing a moratorium on approval of new ponds, reservoirs and dams other than those allowed by Section 22.52.070.C.2.B of Title 22 of the County Code”; Section 1. Findings and Declarations: by removing the following reference in Finding E: “There has also been an increase in the number of applications for very large irrigation ponds which would draw large quantities of water from the Basin.”; and by adding a new Finding that reads: “This urgency and interim zoning ordinance does not apply to areas served by the San Miguel Community Services District (CSD) and County Service Area (CSA) 16 because urban water providers can closely manage water demand in their service area. CSDs and CSAs do this through rate structures that directly relate the cost of water to the consumer, differing from water provided from individual wells that are not metered and do not have a rate structure or separate billing. In addition, CSDs and CSAs offer various water conservation programs to benefit their users and deliver water from wells that are metered, monitored and maintained by a single entity allowing for best management practices

in the delivery of water. None of these mechanisms exist for rural water users in the Basin that are outside of water service areas or districts. Also water districts or areas such as within Shandon urban reserve line, have an allocation from a supplemental water source (i.e. State Water Project) and are not completely dependent on groundwater. The rural areas of the basin have no alternative water source making groundwater management that much more important in those areas.”; Section 2. Availability: by replacing the paragraph to read: “This Ordinance applies to all properties within the unincorporated areas of San Luis Obispo County that overlie the Paso Robles Groundwater Basin except those properties that overlie the Atascadero Sub-Basin and those properties served by County Service Area 16 or the San Miguel Community Services District (Exhibit 2A).”; Section 3. Definitions: by removing Subsection A.; by adding in Subsection G. “replacing a dry or otherwise non-producing well, or” in the first sentence between the words “of” and “rendering”; by deleting from Subsection G. “the existing well must be destroyed under permit and” in the last sentence between the words “permitted” and “the”; by adding in Subsection I.: “residential or agricultural accessory structures with no increase in number of restrooms,” in the second sentence between the words “bedrooms” and “whether”; by adding a new sentence in Subsection I.: “A minor modification can also mean an interior remodel or addition with no increase in floor area or number of restrooms or a remodel implementing an approved land use permit.” in between the second and third sentence; and by replacing the word “or” with “of” in last sentence in Subsection K.; Section 5. Activities that are not subject to the ordinance: by adding a new subsection A. 5. that reads: “Any construction permit necessary to implement a land use permit approved prior to the effective date of this Ordinance.”; the subsequent subsection is re-numbered as A. 6.; and by adding a new subsection A. 7. that reads: “New ponds, reservoirs and dams constructed to regulate or store a supply of water for frost protection, seasonal irrigation, or livestock purposes.”; Section 6. Exemptions: by replacing Subsection A. 4. to read: “Where satisfactory evidence can be provided that financing or other written contractual commitments were entered into or a vested right is established prior to the effective date of this ordinance, for site preparation, planting, or sale of product”; and by adding a new Subsection A. 6. to read: “Where evidence can be provided that the net new water demand (based on actual water data or by approved assumptions about the water demand for that use) has been offset at a ratio of 1:1 through verifiable evidence. The offset must occur before, or at the same time as, the new water use is developed.”; Section 7. Offset Clearance: by deleting Subsection A. Offset Clearance and A. 1. Application Content; and by renaming Section 7. to read “Meters”; by deleting Section 8. New Ponds, Reservoirs and Dams; and re-numbering subsequent Sections 8 through 10, motion fails.

Motion by: Debbie Arnold
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)		x		
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)		x		
Arnold, Debbie (Board Member)	x			

A motion by Supervisor Frank R. Mecham, seconded by Supervisor Adam Hill, to approve the urgency ordinance as constructed by the Board’s straw-votes, is discussed.

Ms. Kami Griffin - Acting Director of Planning and Building: outlines the amendments to the ordinance made during the straw- votes.

The Board amends the ordinance by deleting from the title of the ordinance “and establishing a moratorium on approval of new ponds, reservoirs and dams other than those allowed by Section 22.52.070.C.2.B of Title 22 of the County Code”; Section 1. Findings and Declarations: by removing from Finding F. “There has also been an increase in the number of applications for very large irrigation ponds which would draw large quantities of water from the Basin.”; and by adding a new Finding J. [SIC] that reads: “This urgency and interim zoning ordinance does not apply to areas served by the San Miguel Community Services District (CSD) and County Service Area (CSA) 16 because urban water providers can closely manage water demand in their service area. CSDs and CSAs do this through rate structures that directly relate the cost of water to the consumer, differing from water provided from individual wells that are not metered and do not have a rate structure or separate billing. In addition, CSDs and CSAs offer various water conservation programs to benefit their users and deliver water from wells that are metered, monitored and maintained by a single

entity allowing for best management practices in the delivery of water. None of these mechanisms exist for rural water users in the Basin that are outside of water service areas or districts. Also water districts or areas such as within Shandon urban reserve line, have an allocation from a supplemental water source (i.e. State Water Project) and are not completely dependent on groundwater. The rural areas of the basin have no alternative water source making groundwater management that much more important in those areas.”; Section 2. Availability: by replacing the paragraph to read: “This Ordinance applies to all properties within the unincorporated areas of San Luis Obispo County that overlie the Paso Robles Groundwater Basin except those properties that overlie the Atascadero Sub-Basin and those properties served by County Service Area 16 or the San Miguel Community Services District (Exhibit 2A).; Section 3. Definitions: by adding in Subsection G. “replacing a dry or otherwise non-producing well, or” in the first sentence between the words “of” and “rendering”; by deleting from Subsection G. “the existing well must be destroyed under permit and” in the last sentence between the words “permitted” and “the”; by adding in Subsection I.: “residential or agricultural accessory structures with no increase in number of restrooms,” in the second sentence between the words “bedrooms” and “whether”; by adding a new sentence in Subsection I. between the second and third sentence to read: “A minor modification can also mean an interior remodel or addition with no increase in floor area or number of restrooms or a remodel implementing an approved land use permit.” and by replacing the word “or” with “of” in last sentence in Subsection K.; Section 5. Activities that are not subject to the ordinance: by adding in subsection A. 4. “and accepted as complete” between the words “County” and “including”; by adding a new Subsection A. 5. that reads: “Any construction permit necessary to implement a land use permit approved prior to the effective date of this Ordinance.”; the subsequent Subsection is re-numbered as A. 6.; by replacing Subsection A. 6. (previously A. 5.) to read: “New irrigated crop production where the crop was planted as of August 27, 2013.”; and by adding a new subsection A. 7. that reads: “New ponds, reservoirs and dams constructed to regulate or store a supply of water for frost protection, seasonal irrigation, or livestock purposes.”; Section 6. Exemptions: by replacing Subsection A. 4. to read: “Where satisfactory evidence can be provided that, prior to the effective date of this Ordinance, an applicant has secured a vested right to complete site preparation, planting, or sale of product.”; Section 7. Offset Clearance: by replacing Subsection A. 1. a. to read: “Evidence that the net new water demand (based on actual water data or by approved assumptions about the water demand for that use) has been offset (based on actual water data or by approved assumptions about the water demand for that use) at a ratio of at least 1:1 through verifiable evidence or participation in an Approved County Water Conservation Program. The offset must occur before, or at the same time as, the new water use is developed.”; by replacing the ratio of “2:1” with “at least 1:1” in Subsection A. 3.; by deleting Section 8. New Ponds, Reservoirs and Dams; and re-numbering subsequent Sections 8 through 10. Furthermore, ORDINANCE NO. 3246, an urgency ordinance of the County of San Luis Obispo, State of California establishing a moratorium on new or expanded irrigated crop production, conversion of dry farm or grazing land to new or expanded irrigated crop production and new development dependent upon a well in the Paso Robles Groundwater Basin unless such uses offset their total projected water use, including certain exemptions, adopted as amended.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

(Clerk’s note: upon preparing the amended ordinance after the meeting, staff realized there were two (2) Finding B’s. Staff has corrected the sequential order in the findings pursuant to Government Code Section 25131. Finding J adopted by the Board is now Finding K in the adopted ordinance.)

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the

meeting held Tuesday, August 27, 2013, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: September 5, 2013